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November 26, 2018

VIA FEDEX AND EMAIL

AUSA Moira Kim Penza [moira.penza@usdoj.gov]  
AUSA Tanya Hajjar [tanya.hajjar@usdoj.gov]  
United States Attorney's Office  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Keith Raniere, et al., 18 Cr. 204 (NGG)

Dear Moira and Tanya:

I write in reference to the above-captioned case on behalf of defendants Keith Raniere, Clare Bronfman and Nancy Salzman regarding the redacted Search Warrant Affidavits you produced to the parties on November 21, 2018. The defendants object to such redactions, and request that you promptly produce unredacted versions, particularly as to portions of the affidavits that refer to alleged schemes that are already charged in the Superseding Indictment.

In the current posture, counsel asks particularly, but not exclusively, for the government to produce the portions of the affidavits that relate or refer to the charges the defendants are currently facing and are set to go to trial on in less than four months. Disclosure of search warrant affidavits related to these charges should not be postponed indefinitely. See Matter of Searches of Semtex Indus. Corp., 876 F.Supp. 426, 429 (E.D.N.Y. 1995). This indictment was returned over four months ago. The new search warrants on Raniere and Bronfman's accounts were signed by the Honorable Cheryl Pollack over one month ago, on October 15, 2018. The new search warrant on the Salzman devices was signed by the Honorable Roanne Mann also over one month ago, on October 24, 2018.

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There can be no present compelling government interest to keep these portions of the affidavits redacted, and the government has not identified any.

Accordingly, counsel for defendants Raniere, Bronfman and Nancy Salzman request that the government promptly produce unredacted search warrant affidavits, particularly with respect to information relating to alleged schemes already charged in the Superseding Indictment, and if the government will not do so, that it please identify forthwith the basis for all the redactions it has made. For Raniere, portions containing information as to already charged matters include, from what counsel can glean, the following paragraphs: 16, 31, and 32; for Nancy Salzman, it includes paragraphs 16 and 29; for Clare Bronfman, it includes paragraphs 16, 31 and 32.

Additionally, all three search warrants have entire pages redacted as follows:

- Pages 11 -14 of the Raniere Affidavit (paragraphs 18-28) are redacted in its entirety with a header at the top of page 11, which reads: "Pages 11 through 14 redacted for the following reasons:" but no reason(s) follow;
- Pages 10-13 of the Salzman Affidavit (paragraphs 18-27) are redacted in its entirety with a header at the top of page 10, which reads: "Pages 10 through 13 redacted for the following reasons:" but no reason(s) follow; and
- Pages 10-14 of the Bronfman Affidavit (paragraphs 18-27) are redacted in its entirety with a header at the top of page 10, which reads: "Pages 10 through 14 redacted for the following reasons:" but no reason(s) follow.

Please identify the reasons for redacting entire paragraphs. Alternatively, if you will not produce the warrants with unredacted information, please let us know immediately, as we will ask the Court for intervention on this issue in advance of the upcoming status conference. See In re Application of Newsday, Inc., 895 F.2d 74 (2d. Cir. 1990) (the decision of whether to seal an affidavit in support of a search warrant is a decision left to the discretion of the Court.)

Thank you for your consideration.

Sincerely,



Teny Geragos

cc: Counsel for Clare Bronfman (via email)  
Counsel for Nancy Salzman (via email)